642 646 Article 70, (3), provided for the eventuality of a Government resigning while the National Council was not in session. In this case, a new Government had to be chosen provisionally by the Chief Committee. As soon as the National Council reassembled, the election of the Government had to take place as usual.[1]

Members of the Federal Government were responsible to the National Council while in office,[2] and impeachment proceedings could be brought against them.[3] The Government could be questioned on all matters relating to the execution of the laws by members of both Houses. Both Houses could express their wishes in regard to the exercise of the executive power, by resolution.[4] And it was even laid down by Article 55 that in addition laws could be introduced providing that particular ordinances of the Government should require the assent of the Chief Committee. The presence of the Government could be demanded by either House, and by the committees.[5]

Another means of control by the National Council over the Government was the Independent Court of Audit. This court was responsible for drafting the balance-sheet of the Budget and presenting it to the National Council. It could examine the expenditure of every agency of the Federal State. It could be entrusted with the right to examine the expenditure of any enterprise in which the Federal State was financially interested.[6] And by Article 122, (1), it was expressly laid down that the Independent Court of Audit was directly responsible to the National Council.[7]

642 646 689 Finally, by Article 74, (1), it was decreed that if the National Council, by express resolution, withdrew its confidence from

[1] This provision, safeguarding the power of the National Council, had not been included in the constitution of 14 March 1919.

[2] Article 76. [3] Article 142, (2), b. [4] Article 52.

[5] Article 75. On the other hand, members of the Government could take part in debates in the National Council, the Federal Council, and the committees (except debates in the Chief Committee, to which they had to be specially invited). They had always to be heard if they wished to speak.

[6] Article 121.

[7] The president of this court was elected by the National Council on proposal of the Chief Committee, Article 122, (3). He could be dismissed by resolution of the National Council, Article 123, (2).

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the Federal Government, or from individual members of the Government, they would be thereby removed from office.[1] It was not, however, intended that this weapon should be lightly employed against a Government, for it was stipulated that such a resolution would require a quorum of half the members of the National Council. And, if one-fifth of the members so demanded, the vote could be postponed for two days.[2] The Government, apart from this somewhat meagre stipulation, had no means of protecting itself against an adverse vote by a chance coalition in the National Council, since it could not confront the National Council with the choice between continued support and a dissolution.

As has been pointed out, the National Council had practically complete control over all legislation. It had also considerable executive functions. By Article 50, political and certain other treaties required for their validity the consent of the National Council. By Article 53, it was empowered to set up by resolution Committees of Inquiry,[3] before which all public authorities were obliged to give evidence if required. By Article 54 certain executive duties were specifically made over to the National Council, such as the fixing of the prices of such federal services as railways; the fixing of the prices of monopoly goods; and the fixing of the salaries of persons employed by the State. Apart from these specified cases, it was laid down in Article 55 that the National Council should share in the executive power of the State through its Chief Committee, to which reference has already been made. Kelsen has described this body as the most important political organ of the National Council.[4] Provision had been made for its election in the constitution of 14 March 1919. Its membership had then been fixed at eleven, whereas by the constitution of 1920

[1] It may be noted that, since it was anticipated that the dismissal of an individual minister by a vote of no confidence should not necessarily involve the resignation of the whole ministry, the cabinet system was not adopted.

[2] Kelsen comments on this: 'Dass die Wirkung des Misstrauensvotums verfassungsgesetzlich ausdrücklich normiert wird, ist eine Besonderheit unserer Verfassung' (op. cit., vol. v, p. 169).

[3] Cf. with Article 34 of the German Constitution, according to which such a committee had to be set up if one-fifth of members so demanded.

[4] *Jahrbuch des öffentlichen Rechts*, vol. xi, p. 246.